UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 January 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-66 and 68* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-66, 68* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *1/27/09*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is responsive to the following communication: RCE filed 01/27/09. **This**

action is made non-final.

2.   Claims 1-66, 68 are pending in the case. Claims 1, 18, 33, 50 and 68 are independent

claims.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible

for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has

been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37

CFR 1.114. Applicant's submission filed on 01/27/2009 has been entered.

Double Patenting

4.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 18-23, 25, 28-32 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6, 8, 12, 13, 15-17 of copending Application No. 10/786742, respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because despite the differences in wordings, both are directed to the same, indistinct invention. It would be obvious to implement the feature of presenting different content to be displayed based on dynamic evaluation of personalization rule in the corresponding claims in 10/786742 to achieve the same scope of the instant application. The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter. Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6.   **Claims 1-4, 6-11, 13, 15-16, 18-21, 23-27, 29-31, 33-36, 38-43, 45, 47-48, 50-53, 55-60, 62, 64-65, 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chowdhry et al (Pub No US 2003/0167315 A1; hereinafter Chowdhry) in view of Cohen et al. (Patent No. US 7310677 B1; hereinafter Cohen).**

As to claims 1, 33 and 50, Chowdhry discloses:

A machine readable medium having instructions stored thereon that when executed by a processor cause a system to provide a computer-implemented interactive tool comprising a microprocessor (e.g., Fig. 1) that can configure a portal (e.g., see Figs. 1, 3 and [0001]), comprising:

a first user interface operable to manage the portal (e.g., see Fig. 10);

a second user interface operable to manage personalization of the portal (e.g., see Fig. 15 and [0101]); wherein the second user interface displays a content selector hierarchy that contains a plurality of content selector (e.g., Werclet Repository 750 in Fig. 43 and [0110], [0246]);

Chowdhry teaches a guest user is unable to do anything after logging in; a user that belongs to a user group has a default page associated with it wherein; an administrator user can create users and assign default pages to a group of users (e.g., see [0257]-[0260]). Therefore, Chowdhry teaches wherein the portal operates to include a desktop that is a specific view of a portal that allows variations based on the characteristics of a visitor to a site. Chowdhry teaches

associated desktop resource that includes at least one of the following portal resources: a book,

a page, a portlet, a shell, a look & feel, a theme, a menu, and a layout; and wherein portal

resources are associated with the desktop manually (e.g., see Fig. 3 and [0101]; note that a

user can select any web-enabled object for use in populating his/her custom portal to define the

look & feel of the portal; a user can further position a portlet at any location within the portal, see

[0006]).

While Chowdhry suggests that each content selector can cause different content to be

displayed on run time (e.g., see [0103]; wherein users are provided with more control over the

content displayed in a portlet), Chowdhry does not expressly teach wherein each content

selector can cause different content to be displayed based on dynamic evaluation of

personalization rules.

In the same field of portal customization, Cohen teaches rule-based customization of a

portal (e.g., see col. 1 lines 55-63). Cohen teaches a repository framework that manages the

contents in folders or tree structure (e.g., see col. 6 lines 35-45). Particularly, Cohen teaches

customization of a portal wherein different content to be displayed based on dynamic evaluation

of personalization rules (e.g., see Figs. 3B, 3C, col. 2 lines 12-19, col. 6 lines 51-58; wherein the

behavior of portal page is based on personalization rules; the behavior of portal page includes

what information is displayed).

Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the

invention was made to have modified the portal customization system as taught by Chowdhry to

include the customization portal based on customization rule as taught by Cohen to achieve the

claimed invention. One would have been motivated to make such a combination is to better

organize, store and process data (e.g., see Cohen col. 1 lines 46-48) and to allow for easy

customization of certain components in the portal system (e.g., see Cohen col. 7 lines 16-18).

As to claim 18, Chowdhry discloses:

A computer-implemented interactive tool for configuring a portal (e.g., see Fig. 3 and [0001]), comprising:

a first user interface operable to manage the portal (e.g., see Fig. 10);

a second user interface operable to manage personalization of the portal (e.g., see Fig. 15 and [0101]); wherein the second user interface displays a content selector hierarchy that contains a plurality of content selector (e.g., Werclet Repository 750 in Fig. 43 and [0110], [0246]);

a third user interface operable to manage entitlements for at least one portal resource (e.g., see [0230], [0247], [0255], [0260]);

wherein an entitlement determines what capabilities are available to a portal visitor for the at least one resources based on visitor roles of the portal visitor (e.g., see [0230], [0247], [0255], [0260]); and

Chowdhry teaches a guest user is unable to do anything after logging in; a user that belongs to a user group has a default page associated with it wherein; an administrator user can create users and assign default pages to a group of users (e.g., see [0257]-[0260]). Therefore, Chowdhry teaches a different type of entitlement operates to be assigned to the portal visitor based on a different role the portal visitor is capable of undertaking (note an administrator has the capability to set up user account, assign user to a user group, set default page to the user group; while guest user has no capability to edit or modify the pages, the user belonging to a user group can customize the pages, [0230], [0247], [0255], [0260]) and a desktop that is a specific view of a portal that allows variations based on the characteristics of a visitor to a site.

wherein the portal operates to include a desktop and associated desktop resource that includes at least one of the following portal resources: a book, a page, a portlet, a shell, a look & feel, a theme, a menu, and a layout; and wherein portal resources are associated with the desktop manually (e.g., see Fig. 3 and [0101]; note that a user can select any web-enabled object for use in populating his/her custom portal to define the look & feel of the portal; a user can further position a portlet at any location within the portal, see [0006]).

While Chowdhry suggests that each content selector can cause different content to be displayed on run time (e.g., see [0103]; wherein users are provided with more control over the content displayed in a portlet), Chowdhry does not expressly teach wherein each content selector can cause different content to be displayed based on dynamic evaluation of personalization rules.

In the same field of portal customization, Cohen teaches rule-based customization of a portal (e.g., see col. 1 lines 55-63). Cohen teaches a repository framework that manages the contents in folders or tree structure (e.g., see col. 6 lines 35-45). Particularly, Cohen teaches customization of a portal wherein different content to be displayed based on dynamic evaluation of personalization rules (e.g., see Figs. 3B, 3C, col. 2 lines 12-19, col. 6 lines 51-58; wherein the behavior of portal page is based on personalization rules; the behavior of portal page includes what information is displayed).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made the combination for the same reasons as set forth in claim 1 above.

As to claim 68, Chowdhry discloses:

A computer-implemented interactive tool that can configure a portal (e.g., see Figs. 1, 3 and [0001]), comprising:

a microprocessor (e.g., Fig. 1);

a first user interface operable to manage the portal (e.g., see Fig. 10);

a second user interface operable to manage personalization of the portal (e.g., see Fig. 15 and [0101]), wherein the second user interface displays a content selector hierarchy that contains one or more content selectors (e.g., Werclet Repository 750 in Fig. 43 and [0110], [0246]),

Chowdhry teaches a guest user is unable to do anything after logging in; a user that belongs to a user group has a default page associated with it wherein; an administrator user can create users and assign default pages to a group of users (e.g., see [0257]-[0260]). Therefore, Chowdhry teaches wherein the portal operates to include a desktop that is a specific view of a portal that allows variations based on the characteristics of a visitor to a site. Chowdhry teaches associated desktop resource that includes at least one of the following portal resources: a book, a page, a portlet, a shell, a look & feel, a theme, a menu, and a layout; and wherein portal resources are associated with the desktop manually (e.g., see Fig. 3 and [0101]; note that a user can select any web-enabled object for use in populating his/her custom portal to define the look & feel of the portal; a user can further position a portlet at any location within the portal, see [0006]); and

wherein portal resources are associated with the desktop manually (e.g., see [0234]).

While Chowdhry suggests that each content selector can cause different content to be displayed on run time (e.g., see [0103]; wherein users are provided with more control over the content displayed in a portlet), Chowdhry does not expressly teach each content selector can cause different content to be displayed based on dynamic evaluation of personalization rules, wherein a context-sensitive editor is used to contain and edit rule definition of a selected content

selector, wherein the rule definition of the selected content selector includes natural language phrases that are highlighted to be changed to new values that are appropriate for a given phrase's semantic attributes.

In the same field of portal customization, Cohen teaches customization of a portal wherein different content to be displayed based on dynamic evaluation of personalization rules (e.g., see Figs. 3B, 3C, col. 2 lines 12-19, col. 6 lines 51-58; wherein the behavior of portal page is based on personalization rules; the behavior of portal page includes what information is displayed). Cohen teaches wherein a context-sensitive editor is used to contain and edit rule definition of a selected content selector, wherein the rule definition of the selected content selector includes natural language phrases that are highlighted to be changed to new values that are appropriate for a given phrase's semantic attributes (e.g., see Figs. 3A-3C, col. 2 lines 1-36, col. 6 lines 51-58, col. 7 lines 4-35; wherein conditions are selected to be changed to new values).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made the combination for the same reasons as set forth in claim 1 above.

As to claims 2, 19, 34 and 51, Chowdhry further discloses at least one user interface operable to manage one of: a desktop, a book, a page, a portlet, a shell, a look and feel, and a layout (e.g., see Figs. 30, 43).

As to claims 3, 20, 35 and 52, Cohen teaches a desktop can be defined based on a template (e.g., see col. 2 lines 20-36; wherein a portal desktop includes selected framework pages with portal theme). Thus, combining Chowdhry, Cohen would meet the claimed

limitations for the advantage of allowing the ability to customize a portal pages while still

conforming to consistent user interface feature.

   As to claims 4, 21, 36 and 53, Cohen teaches a desktop is a specific view of a portal

(e.g., see col. 2 lines 20-36). Thus, combining Chowdhry, Cohen would meet the claimed

limitations for the same reasons set forth in claim 1 above.

   As to claims 6, 23, 38 and 55, Chowdhry further discloses the portal can be depicted

graphically as a hierarchy of the at least one portal resources (e.g., see Fig. 43).

   As to claims 7, 24, 39 and 56, Chowdhry further discloses the first user interface

includes a context-sensitive editor (e.g., see Fig. 10).

   As to claims 8, 25, 40 and 57, Chowdhry further discloses the first user interface

includes a hierarchy browser (e.g., see Fig. 43).

   As to claims 9, 41 and 58, Chowdhry further discloses an entitlement determines what

capabilities are available to a portal visitor for the at least one resources (e.g., note an

administrator has the capability to set up user account, assign user to a user group, set default

page to the user group; while guest user has no capability to edit or modify the pages, the user

belonging to a user group can customize the pages, [0230], [0247], [0255], [0260]).

   As to claims 10, 26, 42 and 59, Chowdhry further discloses an entitlement is based on

a user role (e.g., note an administrator has the capability to set up user account, assign user to

a user group, set default page to the user group; while guest user has no capability to edit or

modify the pages, the user belonging to a user group can customize the pages, [0230], [0247],

[0255], [0260]).

As to claims 11, 27, 43 and 60, Chowdhry further discloses a third user interface

operable to manage content (e.g., see Fig. 43); and wherein content is part of a virtual content

repository (VCR) (e.g., see Fig. 43 and [0087], [0097], [0110], [0230]).

As to claims 13, 29, 45 and 62, Chowdhry further discloses a portlet can dynamically

present content (e.g., see Fig. 3).

As to claims 15, 30, 47 and 64, Chowdhry further discloses the second user interface is

operable to manage a content placeholder (e.g., see Fig. 15).

As to claims 16, 31, 48 and 65, Chowdhry further discloses the second user interface is

operable to manage a content selector (e.g., see Fig. 43).

7.   Claims 5, 12, 14, 22, 28, 37, 44, 46, 54, 61, 63 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Chowdhry in view of Cohen further in view of Alcorn et al.

(Patent No. US 6988138 B1; hereinafter Alcorn).

As to claims 5, 22, 37 and 54, Chowdhy and Cohen teach the limitations of claims 1,

18, 33 and 50 for the same reasons set forth above. Cohen further teach a third user interface

operable to define and/or manage a desktop (e.g., see col. 2 lines 20-36). Chowdhy and Cohen

do not teach rendering a preview of the desktop.

In the same field of endeavor of portal customization, Alcorn teaches a third user

interface operable to define and/or manage a desktop (e.g., see col. 8 lines 52-67); and wherein

the third user interface can render a preview of the desktop (e.g., see col. 8 lines 52-67).

Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to modify the portal system taught in Chowdhry and Cohen to include the

role-based portal system taught in Alcorn to achieve the claimed invention. The motivation for

the combination is to allow multiple types of users to access the features of the system as a

function of their predefined role within the framework of the system (e.g., see col. 3 lines 43-46).

As to claims 12, 28, 44 and 61, Chowdhry further teaches that a user can drag and

drop a portlet from the repository into a page to customize the portal web page (e.g., see Fig.

43, [0234], [0238], [0247]); Chowdhry further teaches that an administrative console can be

used to mange the repository (e.g., see [0230], [0247]. Chowdhry and Alcorn do not expressly

teach that modifying the VCR by dragging and dropping VCR nodes; however, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to have

implemented this feature in view of Chowdhry and Alcorn because Chowdhry suggests to the

skill artisan that the administrator can manage and modify the repository and that a drag and

drop operation can be used to customize a web portal page (e.g., see Fig. 43, [0234], [0230],

[0238], [0247]). The motivation is to make it easier and convenient for a user to manage the

repository by simply dragging and dropping a graphical object from one place to another.

As to claims 14, 46 and 63, Chowdhry further discloses a fourth user interface operable

to manage entitlements for at least one portal resource (e.g., see [0230], [0247], [0255], [0260]);

and wherein an entitlement determines what capabilities are available to a portal visitor for the

at least one resources (e.g., note an administrator has the capability to set up user account,

assign user to a user group, set default page to the user group; while guest user has no

capability to edit or modify the pages, the user belonging to a user group can customize the

pages, [0230], [0247], [0255], [0260]). Even if Chowdhry does not, implementing determining

what capabilities are available to a portal visitor for the at least one resources is disclosed by

Alcorn (e.g., see col. 9 lines 10-34, col. 13 lines 11-19, col. 15 lines 14-22, col. 3 lines 43-46,

col. 3 lines 56-67 through col. 4 lines 1-6). Accordingly, combining Chowdhry, Cohen and

Alcorn would meet the claimed limitations for the same reasons set forth in claim 5 above.

8.   Claims 17, 32, 49 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Chowdhry in view of Cohen further in view of Flesner et al. (Pub. No. US

2002/0194267 A1; hereinafter Flesner).

        As to claims 17, 32, 49 and 66, Chowdhry and Cohen teach the limitations of claims 1,

18, 33 and 50 for the same reasons as set forth above in the rejections of claims 1, 18, 33 and

50. Chowdhry and Cohen do not teach a fifth user interface operable to manage delegated

administration. However, implementing an user interface operable to manage delegated

administration is disclosed in Flesner (e.g., see [0101]-[0103], [0189]-[0191]). Accordingly, it

would have been obvious to one of ordinary skill in the art, at the time the invention was made,

to modify the portal system taught in Chowdhry and Cohen to include the user interface

operable to manage delegated administration taught in Flesner to provide the ability to delegate

specific portions of administration to trusted members of user communities. The motivation for

the combination is to reduce workload for the administrators (e.g., see Flesner [0190]).

Response to Arguments

9.   Applicant's arguments filed on 01/27/2009 have been considered but are moot in new

ground(s) of rejection.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider

these references fully when responding to this action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art
references and any interpretation of the references should not be considered to be limiting in
any way. A reference is relevant for all it contains and may be relied upon for all that it would
have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331,
1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009,
158 USPQ 275,277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The

examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. T. T./
Examiner, Art Unit 2179

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179